

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

CHARLA ELLINGTON ALLEN,)
Plaintiff,)

v.)

NANCY A. BERRYHILL,)
Acting Commissioner of Social Security,)
Defendant.)

JUDGMENT

Case No. 7:16-CV-360-BO

Decision by Court.

This action came before United States District Judge Terrence W. Boyle for consideration of the parties' cross motions for judgment on the pleadings.

IT IS ORDERED, ADJUDGED AND DECREED that the opinion of the administrative law judge is not supported by substantial evidence and is in conflict with the treating physicians' testimony and conclusion that plaintiff's physical abilities do not allow her to perform sedentary work. Plaintiff's residual functional capacity is properly limited to less than sedentary based on all of the evidence and by a preponderance of the evidence. Substantial evidence does not support the administrative law judge's opinion. Plaintiff's motion for judgment on the pleadings is GRANTED, defendant's motion for judgment on the pleadings is DENIED, and the decision of the Commissioner is REVERSED.

This judgment filed and entered on January 31, 2018, with *electronic service* upon:

Michael Gray Gillespie, (via CM/ECF Notice of Electronic Filing)

James B. Gillespie, Jr., (via CM/ECF Notice of Electronic Filing)

Gabriel Deadwyler, (via CM/ECF Notice of Electronic Filing)

**PETER A. MOORE, JR.,
CLERK, U.S. DISTRICT COURT**

January 31, 2018

/s/ Linda Downing
(By): Linda Downing, Deputy Clerk